



**Viewing Guide:**  
***Schenck v. United States (1919)***

**The Background to U.S. Entry to World War I (00:00-1:12)**

1. Prior to 1917, what position did the U.S. take in World War I?
2. What were two major reasons that the U.S. finally entered World War I on the side of the Allies?

**Two Laws (1:13-2:19)**

3. What was the purpose of the Selective Service Act of 1917?
4. How could one violate the Espionage Act of 1917?
5. How many people were prosecuted under the Espionage Act?

**Stop and Think:** At this time, what is your opinion concerning the Espionage Act of 1917? Explain your position.

**Charles Schenck (2:20-5:00)**

6. Who was Charles Schenck and what did he do?
7. What two Amendments to the U.S. Constitution did he cite as validation for this action?
8. What was the result of Schenck's trial in the district court?

**Stop and Think:** If you had been on the jury, how do you think you would have voted? Explain your position.

**Question brought to the Supreme Court (5:01-5:15)**

9. What was the question that the Supreme Court had to answer in this case?  
[Formula for issue=Yes/No question + facts of the case + part of the U.S. Constitution in question]

**The Ruling and Arguments (5:15-7:46)**

10. What was Schenck's major argument?
11. What was the government's major argument?
12. What did the court decide and what were the two major reasons for the Court's decision?

**Stop and Think:** Do you agree or disagree with the decision of the Supreme Court? Defend your answer.

**The Impact of the Case (7:47-End)**

13. What was the significance of the Supreme Court's decision in *Schenck v. U.S.* with regards to the First Amendment?
14. What happened to Schenck?
15. For how many years, was the clear and present danger test used to evaluate political speech?
16. How was the standard for judging freedom of speech changed by the *Brandenburg v. Ohio* decision?

**Conclusion:** “... *the character of every act depends upon circumstances in which it is done. The most stringent protection of free speech would not protect a man from falsely shouting fire in a theater causing panic.*”

—Supreme Court Justice Oliver Wendell Holmes

17. Paraphrase what this quote means in your own words.

18. Describe and defend the circumstances in which you would accept restrictions on your freedom of speech.